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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,529	07/10/2001	Galliano Boscolo	BDL-353XX	6863

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**Application No.  
**09/902,529**Applicant(s)  
**Boscolo**Examiner  
**Clark F. Dexter**Art Unit  
**3724**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Jan 9, 2003
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) 8-14, 17, and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15, and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9                      6) ☐ Other:

Art Unit: 3724

## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election with traverse of Group I (claims 1-7, 15 and 16) in the response filed January 9, 2003 (paper no. 12) is acknowledged. The traversal is on the ground(s) that the examination of all of the claims is not seen as imposing an undue burden on the Examiner. This is not found persuasive because examining all of the claims would amount to the examination of multiple inventions (i.e., subcombinations) in the time allotted for a single invention which creates a serious and undue burden on the Examiner, particularly since multiple inventions results in multiple fields of search and multiple scopes of invention leading to multiple patentability considerations.

The requirement is still deemed proper and is therefore made FINAL.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statement filed January 31, 2002 (paper no. 9) has been received and the references listed thereon have been considered.

Art Unit: 3724

***Drawings***

4. The drawings are objected to because of the following informalities:

In Figure 3, numerals 8, 8a, 8b, 8f and 8g (both occurrences) are improper since they represent modified versions of the features previously indicated by these characters, and it is suggested to change them to 8', 8a', 8b', 8f' and 8g' or the like.

Also, letter "d" described on page 6, line 26 is not shown.<sup>OK</sup>

A proposed drawing correction is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Abstract***

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Art Unit: 3724

6. The abstract<sup>✓</sup> of the disclosure is objected to because of the use of "said" in lines 2, 4, 6 (twice) and 9; also, "Fig. 2" in the last line is improper and should be deleted. Appropriate correction is required. See MPEP § 608.01(b).

*Specification*

7. The disclosure is objected to because of the following informalities:

On page 4,<sup>✓</sup> appropriate headings such as --Brief Description of the Drawings-- and --Detailed Description of the Preferred Embodiments-- or the like are missing.

On page 5, line 6,<sup>✓</sup> it seems that a numeral or --(not shown)-- should be inserted after "alternative embodiment" or the like; in lines 6-8,<sup>✓</sup> the recitation is unclear, particularly since it seems that piece 6 is part of the wall of the cylinder 2.

In the paragraph bridging pages 5-6,<sup>✓</sup> the use of numerals 8, 8a, 8b, 8f and 8g are improper since they represent modified versions of the features previously described by these characters, and it is suggested to change them to 8', 8a', 8b', 8f' and 8g' or the like.

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

8. Claims 1-7, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3724

In general, claims 1-7, 15 and 16 are vague and indefinite as to what is being set forth since the claims do not include any active method steps.

In claim 1, line 4, "by means of" renders the limitation vague and indefinite, particularly as to whether "means" is intended to invoke 35 USC 112, 6th paragraph; in line 11, "the inner surface" lacks positive antecedent basis

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-7, 15 and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by European Patent 0 974 433 (hereafter EP '433).

EP '433 discloses a method of perforating a non-woven sheet of fibers or filaments with every active method step of the claimed invention.

11. Claims 1-7, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent 1.491.848 (hereafter FP '848).

Art Unit: 3724

FP '848 discloses a method of perforating a non-woven sheet of fibers or filaments with every active method step of the claimed invention.

12. Claims 1-7, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent 0 214 608 (hereafter EP '608).

EP '608 discloses a method of perforating a non-woven sheet of fibers or filaments with every active method step of the claimed invention.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Tuesday through Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3590; informal/draft papers - (703)305-9835.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfđ  
March 24, 2003